

Message Text

CONFIDENTIAL

PAGE 01 WELLIN 03354 080448Z

15 S
ACTION SP-02

INFO OCT-01 EA-07 SS-15 DLOS-06 L-03 OES-06 EB-07 INR-07

NSC-05 ISO-00 /059 W
----- 019153

R 080230Z SEP 76
FM AMEMBASSY WELLINGTON
TO SECSTATE WASHDC 1962
INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L WELLINGTON 3354

USUN FOR LOS

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: LOS REPLY FOR SECRETARY FROM GNZ MINISTER OF FOREIGN AFFAIRS

REF: STATE 220667

1. AMBASSADOR HAS TODAY RECEIVED FOLLOWING LETTER FROM FOREIGN
MINISTER TALBOYS, DATED SEPTEMBER 7, RESPONDING TO SECRETARY'S
LETTERS OF AUGUST 28 AND SEPTEMBER 6 CONCERNING LAW OF THE SEAS.

2. BEGIN TEXT:
MY DEAR SECRETARY OF STATE,

3. THANK YOU FOR YOUR MESSAGES, INCLUDING THE MOST RECENT ONE
DATED 6 SEPTEMBER, CONCERNING THE CURRENT SESSION OF
THE LAW OF THE SEA CONFERENCE.

4. I ENTIRELY AGREE THAT NEGOTIATIONS HAVE NOW REACHED A CRITICAL
STAGE. IF THE CONFERENCE DOES NOT PROCEED RAPIDLY TOWARDS
ACCOMMODATION ON THE OUTSTANDING ISSUES, THERE IS, AS YOU HAVE
MENTIONED, A VERY REAL PROSPECT THAT THE NEGOTIATIONS WILL COLLAPSE.
IF THIS WERE TO HAPPEN, SERIOUS DOBT WOULD BE CAST ON THE WHOLE
PROCESS OF MULTILATERAL TREATY-MAKING AND THIS OPPORTUNITY
WOULD HAVE BEEN LOST TO ENSURE THAT THE OCEANS OF THE WORLD
AND THEIR RESOURCES ARE MANAGED IN A COOPERATIVE, ORDERLY
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 WELLIN 03354 080448Z

AND PEACEFUL MANNER.

5. I WAS THEREFORE VERY PLEASED TO LEARN THAT YOU HAD RETURNED TO NEW YORK IN ORDER PERSONALLY TO PROMOTE THE RESOLUTION OF THE VARIOUS OUTSTANDING ISSUES. I HASTEN TO ASSURE YOU THAT I SHARE AND FULLY ENDORSE YOUR DESIRE TO ACHIEVE SIGNIFICANT PROGRESS. AS A SMALL COUNTRY SURROUNDED BY A VAST EXPANSE OF OCEAN, IT IS VERY MUCH IN NEW ZEALAND'S INTEREST TO SECURE THE PROTECTION AFFORDED BY A WIDELY-ACCEPTED MULTILATERAL AGREEMENT ON THE LAW OF THE SEA. WE HAVE NO WISH TO SEE ANARCHY, RATHER THAN LAW, PREVAIL OVER THE OCEANS AND THEIR RESOURCES.

6. FROM THE VIEWPOINT OF ITS OWN NATIONAL INTEREST AND EQUALLY FROM THAT OF ITS ISLAND NEIGHBOURS IN THE SOUTH PACIFIC, NEW ZEALAND EARNESTLY SEEKS THE EARLIEST POSSIBLE CONCLUSION OF A TREATY WHICH, INTER ALIA, CONFIRMS THE RIGHTS OF THE COASTAL STATE OVER ALL RESOURCES WITHIN A TWO HUNDRE MILES EXCLUSIVE ECONOMIC ZONE SURROUNDING ALL ITS TERRITORY, AND OVER NON-LIVING RESOURCES IN THAT SEABED TO THE EDGE OF THE CONTINENTAL MARGIN. PROVIDED THAT THESE BASIC REQUIREMENTS ARE MET, THE NEW ZEALAND DELEGATION CAN ADOPT A FLEXIBLE NEGOTIATING POSITION ON MANY OF THE QUESTIONS AT ISSUE IN THE CONFERENCE.

7. THE NEW ZEALAND DELEGATION ESPECIALLY WELCOMED THE OPPORTUNITY TO JOIN IN A ROUND-TABLE DISCUSSION WITH YOU OF THE OUTSTANDING PROBLEMS OF THE LEGAL STATUS OF THE EXCLUSIVE ECONOMIC ZONE AND THE CONDUCT OF SCIENTIFIC RESEARCH WITHIN THE ZONE. THEY REPORTED THAT THIS DISCUSSION WAS MOST USEFUL AND PRODUCTIVE. I PERSONALLY WELCOME AND ENDORSE YOUR VIEW THAT IT SHOULD BE POSSIBLE, ON THE BASIS OF THAT DISCUSSION, TO RESOLVE BOTH QUESTIONS IN A WAY THAT CAN SATISFY ALL OF THE PARTIES CONCERNED.

8. IN OUR VIEW, SUCH A SOLUTION WOULD PROCEED FROM THE PREMISE THAT THE EXCLUSIVE ECONOMIC ZONE IS NEITHER TERRITORIAL SEA NOR HIGH SEAS. IT WOULD SPECIFY THE NATURE AND EXTENT OF THE RIGHTS TO BE EXERCISED IN THE ZONE, BOTH BY THE COASTAL STATES AND BY OTHER STATES, INCLUDING THOSE WITH MARITIME INTERESTS. IN PARTICULAR, IT WOULD CONFIRM THE RIGHT OF MARITIME STATES TO EXERCISE WITHIN THE ZONE THE IMPORTANT HIGH SEAS FREEDOMS WHICH

CONFIDENTIAL

PAGE 03 WELLIN 03354 080448Z

THEY ARE CONCERNED TO PRESERVE.

9. SIMILARLY, A SOLUTION TO THE PROBLEM OF SCIENTIFIC RESEARCH SHOULD PERMIT THE COASTAL STATE TO KEEP ITSELF FULLY INFORMED OF RESEARCH PROJECTS CONDUCTED WITHIN THE EXCLUSIVE ECONOMIC ZONE AND TO SATISFY ITSELF THAT PARTICULAR PROJECTS CONFORM WITH ITS OWN RIGHTS AND INTEREST IN THE ZONE, WHILE NOT UNREASONABLY OBJECTING TO PURE SCIENTIFIC RESEARCH

PROJECTW WHICH DO NOT HAVE A COMMERCIAL PURPOSE.

10. WITH REGARD TO THE DEVELOPMENT OF THE RESOURCES OF THE DEEP SEABED, THE NEW ZEALAND GOVERNMENT WELCOMES THE GENEROUS OFFER OF THE UNITED STATES TO ASSIST THE ENTERPRISE WITH FINANCE AND TECHNOLOGY. WE WOULD HOPE FOR AN ACCEPTABLE COMPROMISE WHICH WOULD PERMIT NATIONAL PARTICIPATION IN THE EXPLOITATION OF MINERAL RESOURCES IN THE SEABED OUTSIDE COASTAL JURISDICTION, AND AT THE SAME TIME ENSURE THAT THE PRINCIPAL BENEFITS OF SUCH EXPLOITATION DO, IN FACT, GO TO THOSE DEVELOPING COUNTRIES WHICH ARE IN GREATEST NEED.

1. I AM VERY HOPEFUL THAT THE PROPOSALS OUTLINED IN YOUR MOST RECENT MESSAGE WILL ASSIST ALL DELEGATIONS IN MOVING TOWARDS A MUTUAL ACCOMMODATION OF INTERESTS. THE NEW ZEALAND DELEGATION, FOR ITS PART, WILL CONTINUE, CONSISTENT WITH OUR NATIONAL INTERESTS, TO DO ALL IT CAN TO ADVANCE THE NEGOTIATIONS. IT IS CURRENTLY PARTICIPATING ACTIVELY IN THE SEARCH FOR COMPROMISE ON EACH OF THE OUTSTANDING ISSUES. OUR EFFORTS IN THIS REGARD HAVE BEEN GREATLY FACILITATED BY THE CLOSE WORKING RELATIONSHIP THAT EXISTS BETWEEN OUR TWO DELEGATIONS.

12. I SHALL OF COURSE CONTINUE TO GIVE THESE IMPORTANT NEGOTIATIONS MY CLOSE, PERSONAL, ATTENTION DURING THE COMING WEEKS.

YOURS SINCERELY,
BRIAN TALBOYS END TEXT.

13. ORIGINAL LETTER BEING SENT TO DEPARTMENT VIA AIRGRAM.
SELDEN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DIPLOMATIC COMMUNICATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 08 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976WELLIN03354
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760338-1253
From: WELLINGTON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760979/aaaacqes.tel
Line Count: 145
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SP
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 220667
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAY 2004 by woolflhd>; APPROVED <15 SEP 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS REPLY FOR SECRETARY FROM GNZ MINISTER OF FOREIGN AFFAIRS
TAGS: PLOS, PSDC, US, NZ, LOS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006